

State's Attorney

MISSION STATEMENT

The State's Attorney is a constitutionally created independent agency. The mission of the Office of the State's Attorney is to serve the public interest through the fair and honest administration of justice by exercising its responsibilities to: prosecute criminal violations in Montgomery County; educate the public with regard to criminal justice issues; provide training to lawyers for future service; address inequality and promote fairness in the criminal justice system; ensure access to the criminal justice system; promote professional relations with judges and attorneys; and further the efficient use of criminal justice resources.

BUDGET OVERVIEW

The total recommended FY06 Operating Budget for the Office of the State's Attorney is \$10,361,690, an increase of \$775,810 or 8.1 percent from the FY05 Approved Budget of \$9,585,880. Personnel Costs comprise 95.4 percent of the budget for 101 full-time positions and ten part-time positions for 112.7 workyears. Operating Expenses account for the remaining 4.6 percent of the FY06 budget.

The Office has six Community Prosecution teams assigned geographically to the six police districts. Each team exclusively prosecutes the crime which happens in its respective police district. Prosecutors are assigned to neighborhoods, schools, civic groups, and faith-based organizations to promote better communication between the Office and communities. This increased interaction will allow prosecutors to be problem solvers, not just case processors.

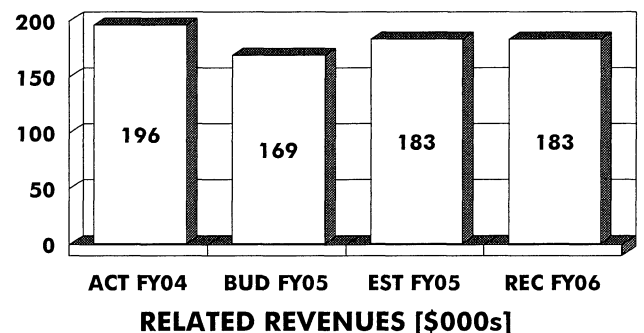
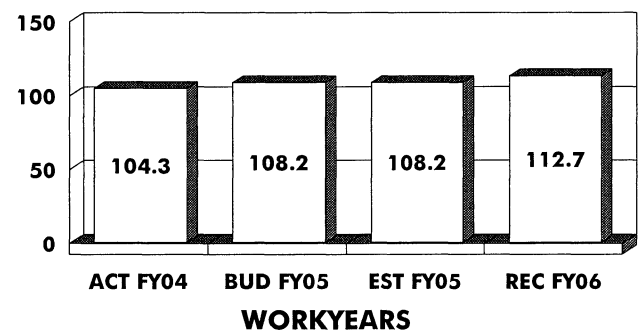
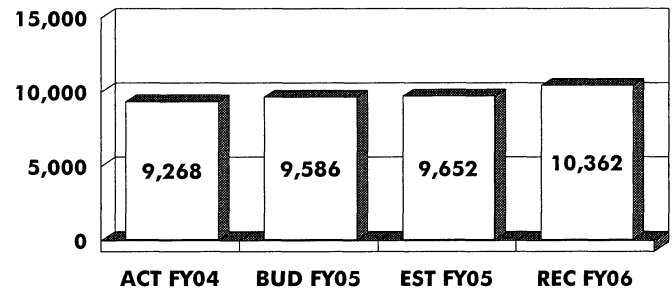
HIGHLIGHTS

- ❖ **Enhance Juvenile Court Team staffing in the State's Attorney's Office by increasing the Juvenile Attorney complement by 25 percent from a team of four attorneys to five. The staffing increase will address a 19 percent increase in workload cases from 2001 to 2004.**
- ❖ **Enhance staffing in the State's Attorney's Office to prosecute Cybercrime by increasing the complement from one to two Cybercrime Attorneys. The staffing increase will address approximately 28 percent increase in workload cases from 2001 to 2004.**
- ❖ **The State's Attorney's Office continued the use of volunteers for FY05 through their Volunteer Program. These volunteers are comprised of law students, undergraduates, and retirees. In the last 18 months, a total of 11.5 workyears accounted for volunteer work.**

Program Summary

	Expenditures	WYs
Circuit Court Prosecution	4,962,090	43.9
District Court Prosecution	2,071,500	31.3
District Court Screening	248,560	3.5
Juvenile Court Prosecution	956,350	11.0
Pre-Trial Mediation	93,160	2.0
Victim/Witness Court Assistance	188,940	3.0
Major Fraud and Special Investigations	493,130	6.0
Prosecution Management	682,460	7.0
Administration	665,500	5.0
Totals	10,361,690	112.7

Trends



❖ PRODUCTIVITY ENHANCEMENTS

- *Effective July 1, 2004, the State's Attorney's Office assessed costs for expenses incurred to reproduce discovery materials such as videotapes, compact disks, audiotapes and color photographs for the defense bar -- all of which are required by statute to be provided in all criminal cases.*

Prior to July 1, 2004, the State's Attorney's Office had provided these materials at no cost to the defense attorneys. Approximately \$15,000 of revenues is anticipated from these discovery materials fees.

- *Effective July 1, 2004, the State's Attorney's Office no longer mails discovery materials to the defense bar. Instead, discovery packages are made available for pick-up at the receptionist's desk, thereby containing postage costs.*

PROGRAM CONTACTS

Contact David Baker of the Office of the State's Attorney at 240.777.7318 or Belinda M. Bunggay of the Office of Management and Budget at 240.777.2794 for more information regarding this department's operating budget.

PROGRAM DESCRIPTIONS

Circuit Court Prosecution

The Circuit Court Prosecution program reviews cases for possible filing in the Circuit Court by presenting these cases to the Grand Jury for indictment or filing a State's Attorney's information and litigates these cases to disposition. Senior Assistant State's Attorneys provide support and guidance to ongoing police investigations and conduct Grand Jury investigations of major felony, drug distribution, property forfeiture, and environmental cases. The Family Violence Unit prosecutes crimes of domestic violence, child abuse, and elder abuse. Prosecutors in this unit have specialized training to attack these difficult and often devastating crimes. Each Community Prosecution Team has been assigned a prosecutor from the Family Violence Unit to specifically handle the family violence cases occurring within its assigned police district. In addition, appeals and demands for jury trials in District Court cases are litigated in the Circuit Court.

FY06 Recommended Changes

	Expenditures	WYs
FY05 Approved	4,607,680	42.9
FY06 CE Recommended	4,962,090	43.9

District Court Prosecution

The District Court Prosecution program prosecutes criminal cases including misdemeanor arrests, citizen complaints, and serious or incarcerable traffic offenses. The State's Attorney's Office has also implemented a Domestic Violence docket in District Court to ensure that assault cases of a domestic nature and violations of protective orders are given special attention.

FY06 Recommended Changes

	Expenditures	WYs
FY05 Approved	1,907,250	29.8
FY06 CE Recommended	2,071,500	31.3

District Court Screening

The District Court Screening program resolves as many cases as possible before the trial date by contacting victims and witnesses to determine what outcome they would like to obtain from the criminal justice system. This program relies on volunteers and is supervised by permanent staff. It provides victim/witness assistance by delivering information about the criminal justice system to victims and witnesses whose cases are expected to go to trial and an on-call service, when possible, to reduce the inconvenience experienced by victims and witnesses.

FY06 Recommended Changes

	Expenditures	WYs
FY05 Approved	230,100	3.5
FY06 CE Recommended	248,560	3.5

Juvenile Court Prosecution

The Juvenile Court Prosecution program prosecutes criminal violations committed by juvenile offenders in Montgomery County and performs a preliminary review of all cases in which a juvenile is charged with a crime of violence. This includes cases which have been reviewed by the Juvenile Services Administration and then referred to the Office of the State's Attorney. In such cases, formal charges are filed where appropriate and litigated to disposition in the Juvenile Court, attempting to obtain restitution for victims when possible. This program also provides administrative support to Teen Court, a Countywide peer adjudication initiative for non-violent juvenile offenses.

FY06 Recommended Changes

	Expenditures	WYs
FY05 Approved	859,600	10.0
FY06 CE Recommended	956,350	11.0

Pre-Trial Mediation

The Pre-Trial Mediation program is designed to resolve non-violent disputes between individuals which might enter the judicial system as criminal cases, or civil claims, or even escalate to violence if not otherwise resolved. Trained volunteers, working in conjunction with a mediation specialist, mediate various issues involved in disputes allowing the parties to reduce to writing an agreement by which all sides will abide. The Bad Check Mediation Program gives merchants and receivers of checks a means for recovering their losses for bad checks passed for goods or services. In appropriate circumstances, criminal charges are filed when funds are not recovered through the mediation. The Rental Return and Restitution Program is an effort to assist the business community. This program provides merchants with a quick and effective way to recover their rental property and fees.

FY06 Recommended Changes

	Expenditures	WYs
FY05 Approved	88,740	2.0
FY06 CE Recommended	93,160	2.0

Victim/Witness Court Assistance

This program assists victims in criminal cases that have been designated as “victim-intensive” by virtue of the vulnerability of the victim or the type of crime. Victims receive direct court assistance from a Victim/Witness Coordinator. The Coordinator guides the victim through the judicial process, provides assistance where necessary, and makes referrals to other County agencies as needed. In all other cases, Assistant State's Attorneys provide information and assistance to victims and witnesses. This program is staffed with permanent and volunteer personnel.

FY06 Recommended Changes

	Expenditures	WYs
FY05 Approved	217,840	3.0
FY06 CE Recommended	188,940	3.0

Major Fraud and Special Investigations

The Major Fraud and Special Investigations program investigates allegations of major fraud such as thefts by attorneys from their clients, complex financial crimes, and other serious criminal cases for which the Police Department is unable to provide investigative resources.

FY06 Recommended Changes

	Expenditures	WYs
FY05 Approved	402,050	5.0
FY06 CE Recommended	493,130	6.0

Prosecution Management

Prosecution Management staff coordinate case loads; schedule docket assignments; receive visitors; direct phone calls; and enter and audit data in the Criminal Justice Information System (CJIS) for the Circuit, District, and Juvenile Courts.

FY06 Recommended Changes

	Expenditures	WYs
FY05 Approved	632,830	7.0
FY06 CE Recommended	682,460	7.0

Administration

Staff provide central services in areas of budget, personnel, automated systems management, general office management, and public information. In addition, staff coordinate efforts and initiatives with other criminal justice agencies.

FY06 Recommended Changes

	Expenditures	WYs
FY05 Approved	639,790	5.0
FY06 CE Recommended	665,500	5.0

BUDGET SUMMARY

	Actual FY04	Budget FY05	Estimated FY05	Recommended FY06	% Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	6,919,834	7,186,390	7,184,250	7,692,930	7.0%
Employee Benefits	1,646,098	1,870,580	1,831,160	2,049,430	9.6%
County General Fund Personnel Costs	8,565,932	9,056,970	9,015,410	9,742,360	7.6%
Operating Expenses	510,356	380,830	488,810	471,790	23.9%
Capital Outlay	0	0	0	0	—
County General Fund Expenditures	9,076,288	9,437,800	9,504,220	10,214,150	8.2%
PERSONNEL					
Full-Time	94	96	96	99	3.1%
Part-Time	9	9	9	10	11.1%
Workyears	101.8	106.2	106.2	110.7	4.2%
REVENUES					
Discovery Materials	0	0	15,000	15,000	—
Bad Check Mediation Fee	12,760	15,000	15,000	15,000	—
Rental Return Restitution Fee	2,125	3,000	3,000	3,000	—
Teen Court Fees	3,055	2,500	2,500	2,500	—
County General Fund Revenues	17,940	20,500	35,500	35,500	73.2%
GRANT FUND MCG					
EXPENDITURES					
Salaries and Wages	137,065	123,530	122,990	122,770	-0.6%
Employee Benefits	45,688	24,550	24,550	24,770	0.9%
Grant Fund MCG Personnel Costs	182,753	148,080	147,540	147,540	-0.4%
Operating Expenses	8,460	0	0	0	—
Capital Outlay	0	0	0	0	—
Grant Fund MCG Expenditures	191,213	148,080	147,540	147,540	-0.4%
PERSONNEL					
Full-Time	3	2	2	2	—
Part-Time	0	0	0	0	—
Workyears	2.5	2.0	2.0	2.0	—
REVENUES					
Local Law Enforcement Block Grant (LLEBG)	6,489	0	0	0	—
Youth Strategies - Consolidated (Gang) Grant	49,649	0	0	0	—
Community Prosecution	39,072	68,210	72,540	72,540	6.3%
STOP Grant for Domestic Violence	82,515	79,870	75,000	75,000	-6.1%
Grant Fund MCG Revenues	177,725	148,080	147,540	147,540	-0.4%
DEPARTMENT TOTALS					
Total Expenditures	9,267,501	9,585,880	9,651,760	10,361,690	8.1%
Total Full-Time Positions	97	98	98	101	3.1%
Total Part-Time Positions	9	9	9	10	11.1%
Total Workyears	104.3	108.2	108.2	112.7	4.2%
Total Revenues	195,665	168,580	183,040	183,040	8.6%

FY06 RECOMMENDED CHANGES CROSSWALK

	Expenditures	WYs
COUNTY GENERAL FUND		
FY05 ORIGINAL APPROPRIATION	9,437,800	106.2
<u>Changes (with service impacts)</u>		
Enhance: One Assistant State's Attorney to Prosecute Cybercrime [Major Fraud and Special Investigations]	72,160	1.0
Enhance: One Assistant State's Attorney to Prosecute Juvenile Crime [Juvenile Court Prosecution]	72,160	1.0
Add: SAO Issuance of Subpoenas (Previously Performed by District Court) [District Court Prosecution]	63,120	1.5
<u>Other Adjustments (with no service impacts)</u>		
Increase Cost: FY06 Compensation	359,220	0.0
Increase Cost: Reduce Lapse to Reflect Actual Hiring Practices [Circuit Court Prosecution]	104,810	1.0
Increase Cost: FY06 Retirement Rate Adjustments	73,860	0.0
Increase Cost: Align Operating Expenses to Historical Costs	54,960	0.0
Increase Cost: FY06 Group Insurance Rate Adjustments	35,120	0.0
Increase Cost: Telecommunications Charges [Prosecution Management]	18,160	0.0
Increase Cost: Records Management Fee [Administration]	10,580	0.0
Increase Cost: Printing and Mail Charges [Prosecution Management]	5,240	0.0
Increase Cost: Motor Pool Charges	2,020	0.0
Decrease Cost: Annualization of FY05 Personnel Costs	-95,060	0.0
FY06 RECOMMENDATION:	10,214,150	110.7
GRANT FUND MCG		
FY05 ORIGINAL APPROPRIATION	148,080	2.0
<u>Other Adjustments (with no service impacts)</u>		
Increase Cost: Community Prosecution Initiative Grant [Circuit Court Prosecution]	4,330	1.0
Decrease Cost: STOP Violence Against Women Grant [District Court Prosecution]	-4,870	-1.0
FY06 RECOMMENDATION:	147,540	2.0

FUTURE FISCAL IMPACTS

Title	CE REC.	(\$000's)				
	FY06	FY07	FY08	FY09	FY10	FY11
This table is intended to present significant future fiscal impacts of the department's programs.						
COUNTY GENERAL FUND						
Expenditures						
FY06 Recommended	10,214	10,214	10,214	10,214	10,214	10,214
No inflation or compensation change is included in outyear projections.						
Elimination of One-time Items Recommended in FY06	0	-5	-5	-5	-5	-5
Items recommended for one-time funding in FY06, including Records Management Fee, will be eliminated from the base in the outyears.						
Labor Contracts	0	479	565	565	565	565
These figures represent the annualization of FY06 increments, general wage adjustments, and associated benefits. Estimated compensation (e.g., general wage adjustment and service increments) for personnel are included for FY07 and beyond.						
Subtotal Expenditures	10,214	10,688	10,773	10,773	10,773	10,773

STATE'S ATTORNEY

PROGRAM:

Pre-Trial Mediation

PROGRAM ELEMENT:

Bad Check Mediation Program

PROGRAM MISSION:

To provide the business community with a quick and effective way to recover their losses from bad checks, to identify repeat offenders and concentrate prosecution efforts on those offenders, and to lessen the burden on the court system while producing a successful result for the victim

COMMUNITY OUTCOMES SUPPORTED:

- A caring and thriving business community
- Respect for the law
- Efficient delivery of quality services

PROGRAM MEASURES

	FY02 ACTUAL	FY03 ACTUAL	FY04 ACTUAL	FY05 BUDGET	FY06 CE REC
Outcomes/Results:					
Percentage of mediation cases successfully mediated ^a	68.1	64.2	68.2	69	70
Monetary restitution recovered (\$)	308,560	387,501	246,589	325,000	300,000
Percentage of bad check cases recovered without court intervention	63.3	62.0	64.0	66.0	66.0
Percentage of bad check cases referred to court after failure of mediation	29.6	34.6	29.8	31.0	32.0
Percentage of bad check cases involving repeat offenders ^b	6.5	2.3	6.0	2.0	2.0
Fees collected (\$)	19,520	16,540	12,615	14,000	15,000
Service Quality:					
Percentage of merchants surveyed who rate the quality of service of the program as "excellent" or "good"	100	93	92	95	95
Efficiency:					
Average amount per case recovered by the merchant (\$)	237.90	464.07	346.82	419.35	333.33
Amount recovered for every dollar spent (\$)	3.26	3.74	2.26	2.91	2.54
Workload/Outputs:					
Mediation cases opened	1,297	835	711	^d 775	900
Cases identified as repeat offenders ^b	84	20	39	30	18
Inputs:					
Expenditures (\$) ^c	94,540	103,703	109,275	111,766	118,330
Workyears ^c	1.5	1.5	1.5	1.5	1.5

Notes:

^aMediation cases exclude repeat offenders and a small number of bad check cases that cannot be mediated or prosecuted (e.g. due to lack of witnesses).

^bRepeat offender cases are taken to court without attempting mediation.

^cIncludes some staff time funded by the District Court.

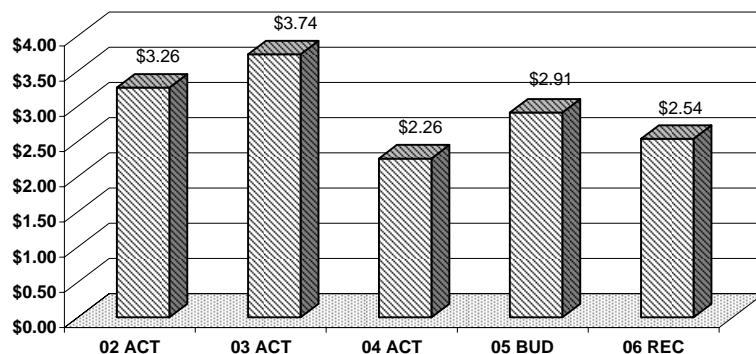
^dThe increase in the use of check/debit cards in the marketplace has resulted in a decrease in the utilization of checks.

EXPLANATION:

The goals of this program are to recover restitution for merchants who have been given bad checks without having to involve the criminal court system, and to review all bad checks reported in order to identify repeat criminal activity so that such matters can be charged criminally and dealt with by the court.

The success rate for mediation cases was 68.2% in FY04, while revenue from fees (which is returned to the County) totaled \$12,615, and \$2.26 was recovered for every dollar spent on the program. The number of repeat offender cases decreased 54% between FY02 and FY04.

Amount Recovered per Dollar Spent



PROGRAM PARTNERS IN SUPPORT OF OUTCOMES: District Court, Montgomery County Police.

MAJOR RELATED PLANS AND GUIDELINES: